

REMARKS

Prior to entry of this amendment, claims 1-24 are currently pending in the subject application. Claims 16-24 are withdrawn from consideration.

By this amendment, allowable claim 4 is cancelled and its subject matter is incorporated into claim 1. This amendment also cancels allowable claim 15 and incorporates its subject matter into claim 9. Claim 9 has also been amended to stand as an independent claim. Claim 5 is amended to not depend upon a cancelled claim. Claim 10 is amended to improve its antecedent basis. Withdrawn claims 16-24 are cancelled. New claim 25 corresponds to claim 1 with additional limitations, support for which may be found in paragraph [0034] of the specification. New claims 26-34 correspond to claims 2-10. No new matter is added.

Applicants note with appreciation the Examiner's acknowledgement of applicants' claim for foreign priority and receipt of a certified copy of the priority document.

Applicants request, in the next Office action, that the Examiner indicate the acceptability of the drawings filed on April 20, 2004.

Applicants note with appreciation the Examiner's consideration of applicants' Information Disclosure Statements filed April 20, 2004, November 1, 2004 and September 12, 2005.

Applicants request, in connection with the next Office action, consideration of the Information Disclosure Statement filed February 1, 2007.

A. Introduction

In the outstanding Office action, the Examiner objected to the title of the invention as not being descriptive; rejected claims 1 and 8-11 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,384,697 to Ruby ("the '697 Ruby reference"); rejected claims 2, 3, 7, and 13-14 under 35 U.S.C. § 103(a) as being unpatentable over the '697 Ruby

reference in view of U.S. Patent No. 5,692,279 to Mang et al. ("the Mang et al. reference"); rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over the '697 Ruby reference in view of U.S. Patent No. 6,377,137 to Ruby ("the '137 Ruby reference"); and objected to claims 4-6 and 15 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

B. Objection to the Title

In the outstanding Office action, the Examiner objected to the title of the invention as not being descriptive. The Examiner's comments have been considered, and the title has been amended in accordance with the Examiner's suggestion.

C. Asserted Anticipation Rejection of Claims 1 and 8-11

In the outstanding Office action, the Examiner rejected claims 1 and 8-11 under 35 U.S.C. § 102(b) as being anticipated by the '697 Ruby reference. This rejection is traversed for at least the reasons set forth below.

Claim 1 has been amended to incorporate the subject matter of allowable claim 4. Claim 9 has been amended to incorporate the subject matter of allowable claim 15 and to stand as an independent claim. Claims 1 and 9 are thus free of this rejection over the '697 Ruby reference. Claims 8, 10 and 11 are also free of this rejection over the '697 Ruby reference at least by their dependence upon claims 1 or 9.

For the above reasons, applicants submit that this rejection over the '697 Ruby reference is traversed, and reconsideration and withdrawal thereof is respectfully requested.

D. Asserted Obviousness Rejection of Claims 2, 3, 7, and 13-14

In the outstanding Office action, the Examiner rejected claims 2, 3, 7, and 13-14 under 35 U.S.C. § 103(a) as being unpatentable over the '697 Ruby reference in view of the Mang et al. reference. This rejection is traversed for at least the reasons set forth below.

As noted above, independent claims 1 and 9 are patentable by the incorporation of the subject matter of allowable claims 4 and 15, respectively. Claims 2, 3, 7, and 13-14 are also free of this rejection over the '697 Ruby reference in view of the Mang et al. reference at least by their dependence upon claims 1 or 9.

For the above reasons, applicants submit that this rejection over the '697 Ruby reference in view of the Mang et al. reference is traversed, and reconsideration and withdrawal thereof is respectfully requested.

E. Asserted Obviousness Rejection of Claim 12

In the outstanding Office action, the Examiner rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over the '697 Ruby reference in view of the '137 Ruby reference. This rejection is traversed for at least the reasons set forth below.

As noted above, independent claim 9 is patentable by the incorporation of the subject matter of allowable claim 15. Claim 12 is thus free of this rejection over the '697 Ruby reference in view of the '137 Ruby reference at least by its dependence upon claim 9.

For the above reasons, applicants submit that this rejection over the '697 Ruby reference in view of the '137 Ruby reference is traversed, and reconsideration and withdrawal thereof is respectfully requested.

F. Allowable Subject Matter

Applicants note with appreciation the Examiner's indication of allowable subject matter in claims 4-6 and 15. Allowable claim 4 has been cancelled and its subject matter has been incorporated into claim 1. Allowable claim 15 has been cancelled and its subject matter has been incorporated into claim 9, and claim 9 has been further amended to stand as an independent claim. As a result, claims 1-3 and 5-14 are in condition for allowance.

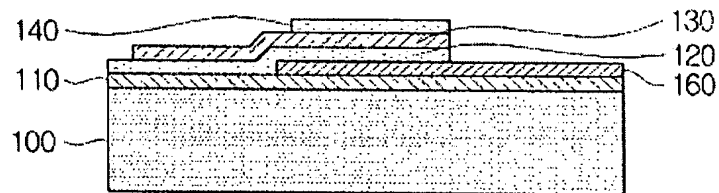
G. New Claims 25-34

New claims 25-34 have been presented for the Examiner's consideration.

Independent claim 25 recites, in part, “providing a sacrificial layer on a portion of the dielectric layer, while leaving another portion of the dielectric layer exposed to form an exposed dielectric layer,” and “providing a bottom electrode on a portion of the sacrificial layer and on the exposed dielectric layer.”

The partial coverage of the bottom electrode 120 by the sacrificial layer 160 is readily observable in FIG. 4E of the application, which is reproduced below.

FIG. 4E



The Examiner has used the '697 Ruby reference to reject claims of the application. The '697 Ruby reference pertains to a substrate mounted bulk wave acoustic resonator. At page 2, line 21, to page 3, line 6, of the Office action, the Examiner referred to FIG. 8 of the '697 Ruby reference, which is reproduced below.

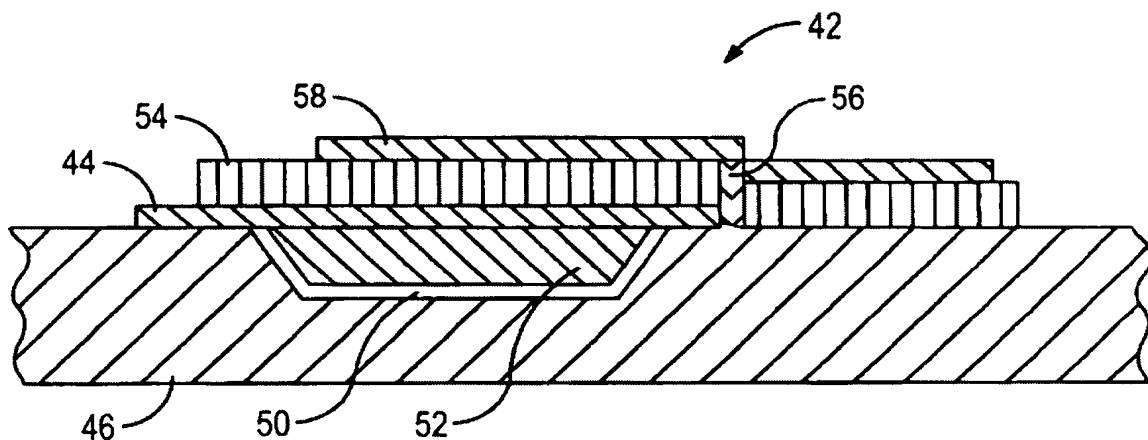


FIG. 8

FIG. 8 of the '697 Ruby reference shows a sacrificial layer 52 that is completely covered by the bottom electrode 44. The '697 Ruby reference utterly fails to disclose or suggest "providing a sacrificial layer on a portion of the dielectric layer, while leaving another portion of the dielectric layer exposed to form an exposed dielectric layer," and "providing a bottom electrode on a portion of the sacrificial layer and on the exposed dielectric layer," such as is set forth in claim 25 of the present application.

As a result, it is respectfully submitted that the '697 Ruby reference fails to disclose or suggest claim 25 of the present application. Claims that depend upon claim 25 are patentable for at least the above reasons.

H. Conclusion

The remaining document cited by the Examiner was not relied on to reject the claims. Therefore, no comments concerning this document are considered necessary at this time.


If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

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Date: May 11, 2007


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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.